

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

(1)CLIFFORD TIERCE,)
Plaintiff,)
vs.) Case No. 15-CV-358-CVE-FHM
(2)THE US BAIRD CORPORATION,)
a/k/a THE BAIRD MACHINERY)
CORPORATION, a/k/a BAIRD)
INDUSTRIES, LLC, a foreign)
corporation or limited liability company,)
Defendant.)

MOTION TO INTERVENE

COMES NOW American Interstate Insurance Company, ("American Interstate") by and through its attorney of record, Eric J. Begin, of the law firm of McGivern & Gilliard, Tulsa, Oklahoma, pursuant to Federal Rule of Civil Procedure 24, and moves to intervene in this action. In support, American Interstate would allege as follows:

1. On April 20, 2011, Plaintiff was injured on the job while working for Action Springs, Inc. At the time of the subject accident, Action Springs Company, Inc. was insured for its workers' compensation risk by American Interstate Insurance Company.

2. On April 27, 2011, Plaintiff filed his workers' compensation claim against his employer Action Springs Company, Inc. In said proceeding, American Interstate paid approximately \$71,694.65 in medical expenses on behalf of Plaintiff and \$231,943.64 in indemnity benefits for a total subrogation interest of \$303,638.29. American Interstate is entitled to subrogation against Defendant pursuant to Title 85 O.S. §348 and all binding, precedential authorities interpreting the same.

3. On January 22, 2015, Plaintiff filed his Petition in the Tulsa County District Court.

4. American Interstate would adopt and incorporate all of Plaintiff's allegations in his Petition against Defendant as set forth fully herein pursuant to Federal Rule of Civil Procedure 10(c).

5. American Interstate has attached its proposed Petition in Intervention as Exhibit 1.

WHEREFORE, American Interstate respectfully requests leave to file its Petition in Intervention against Defendant The US Baird Corporation, a/k/a The Baird Machinery Corporation, a/k/a Baird Industries, LLC, a foreign corporation or limited liability company and any other relief the Court deems just and equitable.

Respectfully submitted,

MCGIVERN & GILLIARD

S/ Eric J. Begin
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Attorney for Intervenor

CERTIFICATE OF MAILING

I hereby certify that on June 29, 2015, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants (names only are sufficient):

Gary A. Eaton
Michael Green
John R. Paul

S/ Eric J. Begin
Eric J. Begin